

CT

Notice of Allowability	Application No.	Applicant(s)	
	10/530,847	COELHO ET AL.	
	Examiner	Art Unit	
	MATTHEW F. DESANTO	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/21/07.
2. ☒ The allowed claim(s) is/are 1,4-9,11-16,18 and 20-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance:

The subject matter of the independent claims that couldn't be found or was not suggested in the prior art of record is "a single use syringe assembly comprising, inter alia, 1) a barrel including a cylindrical side wall whose inside surface has a discontinuity, and a plunger including an elongate body portion having a contractible portion, and a discontinuity, such that when an additional distally directed force is applied to the plunger after fluid has been delivered from the barrel, the plunger shortens at the contractible portion so that the plunger discontinuity moves distally to engage the barrel discontinuity to lock the plunger in the barrel; 2) at least one break point on the plunger for allowing it to break upon application of an excessive force intended to move the plunger proximally after it has been locked to the barrel; and 3) an elongate needle shield hingedly connected to the barrel and capable of pivoting from an open position wherein the needle cannula is exposed to a closed needle protecting position.

In the embodiment shown in Figure 1 of the instant specification, the discontinuity of the barrel is shown as locking projection 45, while the contractible portion and the discontinuity of the plunger are shown as flexing elements 57 and annular locking ring 58, respectively. As shown in Figure 11, upon completion of the injection, an additional axial force in the distal direction indicated as C is applied to the proximal portion of the plunger, causing flexing portions 57 to flex inwardly, and further causing locking ring 58 on the plunger to advance distally in the barrel past locking projection 45 on the barrel.

In this way, the plunger is locked in the barrel and the syringe is disabled and unusable. Any attempt to withdraw the plunger from the barrel in the proximal direction will result in the proximal portion of the plunger breaking off at breaking points 62, as shown in Figure 12. After the syringe has been disabled, the safety shield 28 may be activated by application of a force in the direction of arrow D, as shown in Figure 12, to shield the needle cannula and protect against accidental needle sticks."

The above two paragraphs are taken from applicant's remakes submitted 11/21/07 on pages 12 & 13. Applicant's remarks dated 11/21/07 set forth convincing arguments drawn to the obvious combination of the prior art references and therefore the examiner finds these remarks in view of the amendment persuasive over the prior rejections.

The independent claims also include other patentable subject matter in combination with the other elements or steps of the claim not mention in the above paragraph.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW F. DESANTO whose telephone number is (571)272-4957. The examiner can normally be reached on Monday-Friday 9:30-6:00.

Art Unit: 3763

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick LUCCHESI can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew DeSanto
Art Unit 3763
February 2, 2008

MATTHEW F. DESANTO
PRIMARY EXAMINER

